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**ATTORNEYS FOR PLAINTIFF
UNITED STATES OF AMERICA**

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION**

UNITED STATES OF AMERICA,	CR 23-79-BLG-SPW
Plaintiff,	UNITED STATES' NOTICE OF
vs.	EXPERT WITNESS UNDER
ADOLFO VARGAS LEPE,	FEDERAL RULES OF CRIMINAL
Defendant.	PROCEDURE 16(a)(1)(G)

The United States of America, by and through Assistant United States Attorneys Zeno B. Baucus and Ryan G. Weldon, pursuant to Rule 16(a)(1)(G) of

the Federal Rules of Criminal Procedure, hereby provides notice of the anticipated testimony of the following expert witness:¹

Jim Woog, Detective, Digital Forensic Examiner
Billings Police Department
Intermountain West Regional Computer Forensics Laboratory

The procedures Detective Woog used are reflected in his Report of Examination provided in discovery, which is signed by Detective Woog.

Detective Woog is expected to testify that he examined and extracted the phone recovered from the defendant, Adolfo Lepe. The phone was a Motorola Moto G, with a serial number of 352862241090825, and a lab number of IWR124103.

Detective Woog physically examined and photographed the phone. Detective Woog obtained the cell phone PIN (5264) by using forensic tools to unlock the phone, and Detective Woog will explain and describe those tools to the jury.

Detective Woog then performed file system and “User Data” extractions of the cell phone. After Detective Woog completed the above steps, he turned the extraction over to Special Agent Rahlf, which the United States will address during Agent

¹ The United States does not believe Detective Woog’s testimony is expert opinion testimony, but out of an abundance of caution, this expert notice disclosure is provided to the Court and defense. *See, e.g., United States v. Colon Osorio*, 360 F.3d 48, 53 (1st Cir. 2004) (“The line between expert testimony under Fed. R. Evid. 702 (which is subject to disclosure requirements of Rule 16(a)(1)(G)) and lay opinion testimony under Fed. R. Evid. 702 (which is not subject to Rule 16(a)(1)(G)) is not easy to draw . . .”).

Rahlf's testimony. The cracking and viewing of material in Adolfo Lepe's phone matters because Agent Rahlf recovered a photograph of Jane Doe 3 in a cage during the timeframe of the kidnapping charged in count 3 of the Second Superseding Indictment.

Detective Woog will further testify as to the basis of his opinions, including the standard operating procedures of the Intermountain West Regional Computer Forensics Laboratory in receiving, storing, and extracting submitted items, and the means, methods, and instruments used in his analysis of the items. The Report of Examination regarding Detective Woog's analysis of the submitted items has been provided in discovery.

Pursuant to Fed. R. Crim. P. 16(a)(1)(G)(v), an executed summary of his anticipated testimony has been provided in discovery, as has a copy of his curriculum vitae. Detective Woog has no publications, and he has previously testified in the below-identified cases:

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Date	Case Name	Court
7/31/2018	<i>State v. Brent</i>	Yellowstone County
4/29/2019	<i>State v. Tipton</i>	Meagher County
12/7/2022	<i>State v. Proctor</i>	Lewis and Clark County
4/22/2023	<i>State v. Proctor</i>	Lewis and Clark County
3/4/2024	<i>State v. Zitnik</i>	Missoula County

It is not anticipated that Detective Woog will testify as a lay witness beyond the statements identified above.

DATED this 25th day of October, 2024.

JESSE A. LASLOVICH
United States Attorney

/s/ Zeno B. Baucus
Assistant U.S. Attorney
Attorney for Plaintiff

/s/ Ryan G. Weldon
Assistant U.S. Attorney
Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on October 25, 2024, a copy of the foregoing document was served on the following persons by the following means:

- (1,2) CM/ECF
- ☐ Hand Delivery
- ☐ U.S. Mail
- ☐ Overnight Delivery Service
- ☐ Fax
- ☐ E-Mail

1. Clerk, U.S. District Court
2. Edward Werner
Counsel for Defendant

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Assistant U.S. Attorney
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/s/ Ryan G. Weldon
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